

| UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET | | | | | | | | | | | |
|---|--|---|---------------------------|---------------------|-------------------------------------|-------------------|---|--|-------------------------------------|---|---------------------------------|
| CR No: 17-2955 WJ | | | USA vs.: Real | | | | | | | | |
| Date: December 17, 2018 | | | Name of Deft: Robert Real | | | | | | | | |
| Before the Honorable: Chief District Judge William P. Johnson | | | | | | | | | | | |
| Time In/Out: | | 9:41am – 9:57 | | | Total Time in Court (for JS10): | | | 16 minutes | | | |
| Clerk: | | R. Garcia | | | Court Reporter: | | | M. Loughran | | | |
| AUSA: | | Paul Mysliwiec | | | Defendant's Counsel: | | | Jason Bowles | | | |
| Sentencing in: | | Albuquerque, NM | | | Interpreter: | | | N/A | | | |
| Probation Officer: | | George Rodriguez | | | Interpreter Sworn? | | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> | No | |
| Convicted on: | | <input checked="" type="checkbox"/> | Plea | | Verdict | | As to: | | Information | <input checked="" type="checkbox"/> | Indictment |
| If Plea: | | <input checked="" type="checkbox"/> | Accepted | | Not Accepted | | Adjudged/Found Guilty on Counts: | | | | |
| If Plea Agreement: | | <input checked="" type="checkbox"/> | Accepted | | Not Accepted | | No Plea Agreement | Comments: | | | |
| Date of Plea/Verdict: | | 6/7/2018 | | Rev PSR: | <input checked="" type="checkbox"/> | Not Disputed | | Disputed | <input checked="" type="checkbox"/> | Courts adopts Revised PSR Findings | |
| Evidentiary Hrg: | | <input checked="" type="checkbox"/> | Not Needed | | Needed | | Exceptions to PSR: | | | | |
| SENTENCE IMPOSED | | | | Imprisonment (BOP): | | | | 24 months, 24 months for Counts 1-3 and 6-7 to run concurrent, 12 months as to Counts 4 and 8 to run concurrent for a total of 24 months | | | |
| Supervised Release: | | 3 years, 3 years as to Counts 1-3 and 6-7 to run concurrent, 1 year as to Counts 4 and 8 to run concurrent for a total term of 3 years (The Defendant may be considered for early release from supervised release). | | | | | | Probation: | | | |
| REC | | 500-Hour Drug Program | | | BOP Sex Offender Program | | | Other: | | | |
| ICE | | Court recommends ICE begin removal proceedings immediately or during service of sentence | | | | | | | | <input type="checkbox"/> ICE not applicable | |
| SPECIAL CONDITIONS OF SUPERVISION | | | | | | | | | | | |
| No re-entry without legal authorization | | | | | | | Home confinement for months days | | | | |
| Comply with ICE laws and regulation | | | | | | | Community service for months days | | | | |
| <input checked="" type="checkbox"/> Participate in random subst abuse testing | | | | | | | Reside halfway house months days | | | | |
| Participate in/successfully complete mental health program | | | | | | | Register as sex offender | | | | |
| X Refrain from use/possession of alcohol/intoxicants | | | | | | | Participate in sex offender treatment program | | | | |
| X Submit to search of person/property | | | | | | | Possess no sexual material | | | | |
| No contact with victim(s) and/or co-defendant(s) | | | | | | | No computer with access to online services | | | | |
| No entering or loitering near victim's residence | | | | | | | No contact with children under 18 years | | | | |
| Provide financial information | | | | | | | No volunteering where children supervised | | | | |
| Grant limited waiver of confidentiality | | | | | | | Restricted from occupation with access to children | | | | |
| <input checked="" type="checkbox"/> Refrain from use and possession of synthetic cannabinoids, etc. | | | | | | | No loitering within 100 feet of school yards | | | | |
| No possession of a firearm, ammunition, destructive device or any other dangerous weapon | | | | | | | Participate in an educational or vocational program approved by the Probation Officer | | | | |
| OTHER: | | | | | | | | | | | |
| Fine: | \$ | 10,000.00 | | | | Restitution: | | | \$ | 0.00 | |
| SPA: | \$ | 550.00, \$100, as to Counts 1-3, and 6-7, and \$25 as to Counts 4, 8, for a total of \$550 | | | | Payment Schedule: | | | | Due Immediately | <input type="checkbox"/> Waived |
| <ol style="list-style-type: none"> 1. Deft must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program 2. Deft shall waive your right of confidentiality and allow the substance abuse treatment provider to release substance abuse treatment records to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress | | | | | | | | | | | |
| OTHER: | <ol style="list-style-type: none"> 3. Deft must participate in a mental health treatment program and follow the rules and regulations of that program | | | | | | | | | | |

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| 4. | Deft shall waive your right of confidentiality and allow the mental health treatment provider to release treatment records to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress |
| 5. | Deft must take all mental health medications that are prescribed by your treating physician |
| 6. | Deft must complete 50 hours of community service during the defendant term of supervised release |

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| | Advised of Right to Appeal | <input checked="" type="checkbox"/> | Waived Appeal Rights per Plea Agreement |
| | Held in Custody | <input checked="" type="checkbox"/> | Voluntary Surrender |
| <input checked="" type="checkbox"/> | Recommended place(s) of incarceration: FPC Yankton facility | | |
| | Dismissed Counts: | | |
| OTHER COMMENTS: | | <p>The Court notes it sustained the Defendant's objections from the prior hearing and established the correctly calculated guideline range as OL 15, CHC I, range of 18 to 24 months; inquires of the Government's re its position on sentencing.</p> <p>The Government requests a high end of the guideline range sentence and \$100,000.00 fine.</p> <p>Mr. Bowles argues for downward variance and, if a fine is imposed, that it be no more than \$15,000.</p> <p>Defendant addresses the Court.</p> <p>The Court formally accepts the plea agreement in this case.</p> <p>PO notes the Defendant has been fully compliant, therefore, the Court will grant voluntary surrender.</p> | |